



May 29, 2019

In Reply Refer To:  
**19-06899-F**

**Sent via email address: 56209-59604853@requests.muckrock.com**

Ms. Emma Best  
MuckRock  
Dept MR 56209  
411A Highland Avenue  
Somerville, MA 02144-2516

Dear Ms. Best:

This is in reference to your Freedom of Information Act/Privacy Act request, dated May 21, 2019, which you sent to the VA OGC FOIA Requests mailbox on May 21, 2019.

Your email regarding Documents generated as part of the creation of the FOIA office (defined as whatever department, office, or coordinator is responsible for overseeing and/or processing FOIA requests), whether this was at the time of the agency's creation or the passage of the Freedom of Information Act, to include:

- 1. The instruction to do so from the Agency, as well as any guidance from the senior leadership**
- 2. Documents discussing proposals and procedures**
- 3. Any legal guidance or analysis produced or acquired by the Agency in response to or as part of the creation of the FOIA office**
- 4. Internal documents from the press office, legislative liaison's office (or equivalent), general counsel's office (or equivalent), director's office (or equivalent) or the newly created FOIA office, reacting to or characterizing the office and its creation**

\* **A copy of the agency's first perfected (successful) FOIA request**  
\* **Copies of other FOIA requests filed before the FOIA request described above**  
\* **Processing notes, search slips and response documents regarding the FOIA requests described above**  
\* **The first set of guidelines, instructions and/or forms created to control the agency's processing of FOIA requests**  
\* **A copy of the agency's first successful FOIA appeal**  
\* **Copies of other FOIA appeals received by the agency before the appeal described above**  
\* **Processing notes, search slips and response documents regarding the FOIA appeals described above**  
\* **The first set of guidelines, instructions and/or forms created to control the agency's processing of FOIA appeals was interpreted as a FOIA request and transferred to the OGC FOIA Officer who is designated to respond to such requests on behalf of the General Counsel.**

Your request was assigned to OGC FOIA Tracking Number 19-06899-F. Please refer to this number in any future correspondence to this office.

The U.S. Department of Veterans Affairs (VA) has a decentralized process for responding to FOIA requests which means that each VA component, i.e., OGC, VHA , VBA, etc., has a separate designated FOIA Officers responsible for responding to requests by the component office. All FOIA requests for Office of General Counsel records are processed by the FOIA Officer in Washington, DC.

The Freedom of Information Act, 5 U.S.C. § 552(A)(a)(ii), places all FOIA requesters in one of three categories for fee purposes. The three categories of FOIA requesters are commercial use; educational institutions, noncommercial scientific institutions, representatives of the news media; and all other requesters.

We have classified you as a representative of the news media. As such, we may charge you for some of our duplication costs, but we will not charge you for our search or review costs; you also are entitled to up to 100 pages of photocopies (or an equivalent volume) for free. See 38 C.F.R. § 1.561(b)(7). If, after taking into consideration your fee category entitlements, our processing costs are less than \$50.00, we will not bill you because the cost of collection would be greater than the fee collected. See 38 C.F.R. § 1.561(b)(7).

For your information, this office assigns incoming requests to one of three tracks: simple, complex, or expedited. Each FOIA request is then handled on a first-in, first-out (FIFO) basis in relation to other requests in the same track. At this time, your request has been assigned to the Complex track. Simple requests usually receive a response in about two to three months, whereas complex requests take considerably longer.

We regret the necessity of this delay, but assure you that your request will be processed as soon as possible. If you have any questions about this letter, please contact M. Renee Baxter at email address [OGCFOIARequests@va.gov](mailto:OGCFOIARequests@va.gov) or you may contact the OGC FOIA Requester Service at (202) 461-7860 between the work hours of 8:00 a.m. – 5:00 p.m. (Eastern Standard Time).

Sincerely,

**M. Renee Baxter**

M. Reneé Baxter  
OGC FOIA Officer